

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN HERRERA-CORTES,

Defendant.

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8:08CR474

ORDER

This matter is before the court on the defendant's motion for an extension of time in which to file pretrial motions (Doc. [14](#)). An extension of time is needed due to the government's failure to provide discovery materials. I note that the government was ordered to complete Rule 16 discovery on or before January 30, 2009 (Doc. [9](#) at ¶ 2), and counsel for the United States did not request any extension of that deadline. Upon review of the file, and for good cause shown, the court finds that the defendant's motion should be granted.

IT IS ORDERED that the motion is granted, as follows:

1. The deadline for filing pretrial motions is extended to **March 5, 2009**.
2. In accordance with [18 U.S.C. § 3161\(h\)\(8\)\(A\)](#), the court finds that the ends of justice will be served by granting this motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **February 12, 2009 and March 5, 2009**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act because counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).
3. Counsel for the United States shall produce all discovery no later than Tuesday, **February 17, 2009** or shall show cause by written affidavit why he is unable to comply with the orders of this court.

DATED January 30, 2009.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge